

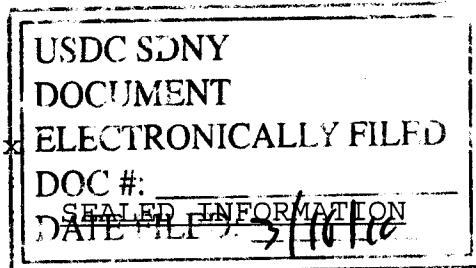
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MATTHEW KELLEHER,

Defendant.



10 Cr.

10 CRIM 257

JUDGE GROTTI

COUNT ONE

(Conspiracy to Make Unlawful Payments to
Union Representatives and Officers)

The United States Attorney charges:

1. From in or about 2007 up through in or about 2008, in the Southern District of New York and elsewhere, MATTHEW KELLEHER, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate and agree together and with each other to violate the laws of the United States, to wit, Title 29, United States Code, Section 186.

2. It was a part and an object of the conspiracy that MATTHEW KELLEHER, the defendant, acting in the interest of an employer, to wit, EMB Contracting Corp. ("EMB"), unlawfully, willfully, and knowingly would and did pay, lend, and deliver, and agree to pay, lend, and deliver, money and things of value to representatives of employees who were employed in an industry affecting commerce with intent to influence them in respect to their actions, decisions, and duties as representatives of

employees and as such officers and employees of such labor organization, in violation of Title 29, United States Code, Sections 186(a)(1), 186(a)(4), and (d)(2).

Overt Act

3. In furtherance of this conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In or about 2007 and 2008, MATTHEW KELLEHER, the defendant, delivered payments on behalf of EMB to a union official in return for EMB being permitted to pay carpenters off-the-books wages without benefits at a jobsite in the Bronx.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Unlawful Payments to Union Representatives and Officers)

The United States Attorney further charges:

4. From in or about 2007 up through in or about 2008, in the Southern District of New York and elsewhere, MATTHEW KELLEHER, the defendant, acting in the interest of an employer, to wit, EMB Contracting Corp. ("EMB"), unlawfully, willfully, and knowingly did pay, lend, and deliver and agree to pay, lend, and deliver, money and things of value to representatives of EMB's employees who were employed in an industry affecting commerce, and to officers and employees of a labor organization engaged in an industry affecting commerce with intent to influence them in

respect to their actions, decisions, and duties as representatives of employees and as such officers and employees of such labor organization, to wit, KELLEHER delivered cash payments on behalf of EMB to an officer of the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners ("the Carpenters Union"), and in return EMB received such officer's assistance in permitting EMB to violate the terms of its collective bargaining agreement with the union.

(Title 29, United States Code, Sections 186(a)(1), (a)(4), and (d)(2), and Title 18, United States Code, Section 2.)

Forfeiture Allegation

5. As the result of committing the offenses alleged in Counts One and Two of the Information, MATTHEW KELLEHER, the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(A) and (C), and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses.

Substitute Assets Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third party;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461.)



PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INFORMATION

10 Cr.

(18 U.S.C. §§ 371 & 2,
29 U.S.C. § 186.)

PREET BHARARA
United States Attorney.
